

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

Richmond Division

IN RE:	)	
	)	
JAMES HENRY HAWKINS	)	Case No. 20-30048-KLP
	)	Chapter 13
Debtor	)	

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JAMES HENRY HAWKINS	)	
	)	
Plaintiff	)	
	)	
v.	)	APN: 20-3007-KLP
	)	
JOSEPH JENKINS, JR. FUNERAL	)	
HOME, INC., a Virginia corporation, et al.	)	
	)	
Defendants	)	

**MOTION FOR ENTRY OF DEFAULT AND DEFAULT JUDGMENT**

COMES NOW the Plaintiff, by counsel, and files the following Motion for Entry of Default and Default Judgment, and in support thereof, states as follows:

1. Default and Default Judgment is being sought against Joseph Jenkins, Jr. Funeral Home, Inc.
2. The Plaintiff filed this Adversary Proceeding on January 20, 2020.
3. On January 22, 2020 Joseph Jenkins, Jr. Funeral Home, Inc. was served with the Summons and Complaint by first class mail.
4. The certificate of service in this case was filed on January 22, 2020.

James E. Kane (VSB #30081)  
KANE & PAPA, P.C.  
1313 East Cary Street  
Richmond, Virginia 23219  
Telephone: (804) 225-9500  
Facsimile: (804) 225-9598  
Email: [jkane@kaneandpapa.com](mailto:jkane@kaneandpapa.com)  
*Counsel for Plaintiff*

5 To date, Joseph Jenkins, Jr. Funeral Home, Inc. has not filed an answer, motion or any responsive pleading to the Complaint within the time limit fixed by the court or by Federal Rule of Bankruptcy Procedure 7012(a).

6. In accordance with the Servicemember's Civil Relief Act of 2003, Joseph Jenkins, Jr. Funeral Home, Inc. is not in military service. Joseph Jenkins, Jr. Funeral Home, Inc. is not a minor or incompetent person.

WHEREFORE, the Plaintiff respectfully requests that the Motion for Entry of Default and Default Judgment be granted and that the Court enter an Order declaring that the claim of the Joseph Jenkins, Jr. Funeral Home, Inc. against the Plaintiff and the Property referenced in the Complaint is unsecured, that the Debtor be permitted to treat Joseph Jenkins, Jr. Funeral Home, Inc. allowed claim as unsecured in the Chapter 13 Plan, and that the judgment lien be released against the Property, and for such other relief as the Court may deem appropriate.

Dated: March 31, 2020

Respectfully Submitted,

JAMES HENRY HAWKINS

By: /s/ James E. Kane

James E. Kane (VSB #30081)  
KANE & PAPA, P.C.  
1313 East Cary Street  
Richmond, Virginia 23219  
Telephone: (804) 225-9500  
Facsimile: (804) 225-9598  
Email: [jkane@kaneandpapa.com](mailto:jkane@kaneandpapa.com)  
*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 31, 2020, I mailed a true and exact copy of the foregoing Motion by first class mail, postage pre-paid to:

JOSEPH JENKINS, JR. FUNERAL HOME, INC.  
c/o Meade A. Spotts, R/A  
411 East Franklin St., Suite 611  
Richmond, VA 23219

/s/ James E. Kane  
James E. Kane (VSB #30081)  
KANE & PAPA, P.C.  
1313 East Cary Street  
Richmond, Virginia 23219  
Telephone: (804) 225-9500  
Facsimile: (804) 225-9598  
Email: [jkane@kaneandpapa.com](mailto:jkane@kaneandpapa.com)

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Plaintiff	)	
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v.	)	APN: 20-3007-KLP
	)	
JOSEPH JENKINS, JR. FUNERAL	)	
HOME, INC., a Virginia corporation, et al.	)	
	)	
Defendants	)	

**NOTICE OF MOTION AND HEARING**

The above Plaintiff has filed a Motion for Entry of Default and Default Judgment, the motion being more particularly described in the Motion attached hereto.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then, within twenty-one (21) days from the date of this Notice you or your attorney must:

- File with the court, at the address shown below, a written request for a hearing [or written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for a hearing (or response) to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above, to:

Clerk of Court  
United States Bankruptcy Court  
701 East Broad Street, Room 4000  
Richmond, VA 23219

You must also mail a copy to:

James E. Kane, Esquire  
Kane & Papa, P.C.  
1313 East Cary Street  
Richmond, Virginia 23219

- Attend a hearing scheduled for **May 13, 2020 at 9:30 a.m. at U.S. Bankruptcy Court, Eastern District of Virginia, 701 East Broad Street, Room 5100, Richmond, VA 23219.** If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Dated: March 31, 2020

JAMES HENRY HAWKINS

By: /s/ James E. Kane  
Counsel

James E. Kane (VSB #30081)  
KANE & PAPA, P.C.  
1313 East Cary Street  
Richmond, VA 23219  
(804) 225-9500 (phone)  
(804) 225-9598 (fax)  
*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on March 31, 2020, I mailed a true and exact copy of the foregoing

Notice by first class mail, postage pre-paid to:

JOSEPH JENKINS, JR. FUNERAL HOME, INC.  
c/o Meade A. Spotts, R/A  
411 East Franklin St., Suite 611  
Richmond, VA 23219

/s/ James E. Kane

James E. Kane (VSB #30081)

KANE & PAPA, P.C.

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JOSEPH JENKINS, JR. FUNERAL	)	
HOME, INC., a Virginia corporation, et al.	)	
	)	
Defendants	)	

**DECLARATION OF JAMES E. KANE**

1. I am counsel to the above-captioned Plaintiff. I make this declaration in support of the Motion for Entry of Default and for Default Judgment pursuant to Bankruptcy Rule 7055.
2. Default and Default Judgment is being sought against Joseph Jenkins, Jr. Funeral Home, Inc.
3. The Plaintiff filed this Adversary Proceeding on January 20, 2020.
4. On January 22, 2020 Joseph Jenkins, Jr. Funeral Home, Inc. was served with the Summons and Complaint by first class mail.
5. The certificate of service in this case was filed on January 22, 2020.
6. To date, Joseph Jenkins, Jr. Funeral Home, Inc. has not filed an answer, motion or any responsive pleading to the Complaint within the time limit fixed by the court or by Federal Rule of Bankruptcy Procedure 7012(a).

7. In accordance with the Servicemember's Civil Relief Act of 2003, Joseph Jenkins, Jr. Funeral Home, Inc. is not in military service. Joseph Jenkins, Jr. Funeral Home, Inc. is not a minor or incompetent person.

8. I hereby swear or affirm under penalty of perjury that the foregoing facts are true and correct to the best of my knowledge, information and belief.

Executed on March 31, 2020.

/s/ James E. Kane  
James E. Kane

COMMONWEALTH OF VIRGINIA            )  
CITY OF RICHMOND                        ); to wit:

The foregoing was subscribed and sworn to me on March 31, 2020, under penalty of perjury, by James E. Kane.

/s/ Cynthia Mae Dodd  
Notary Public

My commission expires: August 31, 2022  
Registration Number: 7798258